

**PROCEEDINGS BEFORE THE  
WASHINGTON STATE BOARD OF ACCOUNTANCY**

In the Matter of the Certified Public  
Accountant (CPA) Certificate and/or  
License to Practice Public Accounting of:

W. Daniel Cox III

Respondent.

No. ACB – 1402

STIPULATION AND  
AGREED ORDER

The Washington State Board of Accountancy (Board) and W. Daniel Cox III, (Respondent),  
stipulate and agree as follows:

**Section 1: Procedural Stipulations**

- 1.1 The Respondent understands that the State may issue a statement of charges in this matter and proceed to a hearing before the Board upon the merits of said charges although the State has not done so, in order to facilitate resolution of this matter in accordance with the legislative intent endorsed in RCW 34.05.060.
- 1.2 The Respondent understands and agrees that the Board has the power and authority to deny, suspend, revoke, or refuse to renew the Respondent's certified public accountant certificate or any individual or firm license to practice public accounting as a certified public accountant in Washington and may impose a fine plus the Board's investigative and legal costs in bringing charges or impose conditions precedent to renewal of the certificate or license, or impose full restitution to injured parties.
- 1.3 The Respondent understands that the Respondent has the right to defend against a statement of charges by requesting a hearing and presenting evidence on the Respondent's behalf and

the Respondent voluntarily waives the right to a hearing and all other rights which may be accorded the Respondent by the Administrative Procedures Act, chapter 34.05 RCW, and the laws of Washington, including the right to petition the courts for judicial review.

- 1.4 Respondent wishes to expedite the resolution of this matter by means of this Stipulation and Agreed Order and does not desire to proceed to a formal hearing based on the issuance of a statement of charges.
- 1.5 The Respondent understands that this Stipulation and Agreed Order is not binding unless it is approved by the Board.
- 1.6 Should this Stipulation and Agreed Order be rejected by the Board and the State proceeds to issue a statement of charges, the Respondent waives any objection to the participation of any members of the Board at a hearing on this matter, other than the consulting board member in this proceeding.
- 1.7 The parties further stipulate to the following Stipulated Facts, Conclusions of Law and Agreed Order:

## **Section 2: Stipulated Facts**

- 2.1 W. Daniel Cox III, the Respondent herein, held a CPA Inactive Certificate which was granted on June 7, 1997 and which expired on June 30, 2003.
- 2.2 On March 3, 2014 the Board received a complaint indicating that W. Daniel Cox III was using the titles CPA, and CPA Inactive, in course of correspondence in connection with his business activities for an entity known as Data Transformed headquartered in Sydney, Australia.

- 2.3 Subsequent inquiry by the Board's Director of Investigation verified the use of title by Mr. Cox in e-mail correspondence, on internet websites connected with Data Transformed, and by Mr. Cox's own admission in his response to the Board.

### **Section 3: Conclusions of Law**

- 3.1 The Board has jurisdiction over the Respondent and the subject matter of this proceeding.
- 3.2 Respondent's conduct described in Stipulated Facts 2.2 and 2.3 constitutes cause for Board discipline under RCW 18.04.295(3), (4), and WAC 4-25-910 (recodified as WAC 4-30-142) for violations of RCW 18.04.215(4), RCW 18.04.345, and WAC 4-25-792 (recodified as WAC 4-30-124) that prohibit persons from holding out to the public or using the designation "certified public accountant" or "CPA"; or CPA Inactive; or any other title, designation, word, letters, abbreviations, sign, card, or device tending to indicate that the person is a certified public accountant or CPA; or CPA inactive unless the person holds a license under RCW 18.04.215; WAC 4-25-550 (recodified as WAC 4-30-032) that requires CPAs to notify the Board in writing within 30 days of any change of address; WAC 4-25-610 that requires CPAs to use due care to comply with state law; and WAC 4-25-910 (recodified as WAC 4-30-142) that sets the bases for the Board to impose discipline for violation of the Public Accountancy Act or failure to comply with Board rules.

### **Section 4: Agreed Order**

Based on the preceding Stipulated Facts and Conclusions of Law, the Respondent, agrees to entry of the following Order:


- 4.1 Respondent agrees to:

- 4.1.1 Pay a fine in the amount of \$4,000. This fine shall be payable to the Washington State Board of Accountancy and remitted to the Washington State Board of Accountancy at PO Box 9131, Olympia, WA 98507-9131 in such manner that the Board receives it within 60 days of the Board's acceptance of this order.
- 4.1.2 Reimburse the Board for investigative and legal costs in the amount of \$500. This payment shall be payable to the Washington State Board of Accountancy and remitted to the Washington State Board of Accountancy at PO Box 9131, Olympia, WA 98507-9131 in such manner that the Board receives it within 60 days of the Board's acceptance of this order.
- 4.2 Respondent agrees to not use the designation "CPA," "CPA-Inactive," "certified public accountant," or "certified public accountant-inactive" or hold out as a "CPA," "CPA-Inactive," "certified public accountant," or "certified public accountant-inactive" until the Respondent's CPA Inactive certificate has been reinstated or the Respondent has applied for a license and a license has been issued.
- 4.3 The Board will publish the terms of this Stipulation and Agreed Order.
- 4.4 Any and all costs involved in complying with this order shall be borne by the Respondent.
- 4.5 Nothing in this Order precludes the Board from exercising its authority and responsibilities under chapter 18.04 RCW or Title 4 WAC. Any violations of such chapters or this Order constitute independent grounds for the denial, suspension, revocation or refusal to renew the Respondent's certificate and/or license(s). The terms of this Stipulation and Agreed Order apply to and resolve only the violations referred to herein.

I, **W. Daniel Cox III**, certify that I have read this Stipulation and Agreed Order in its entirety; that I fully understand and agree to all of it; and that it may be presented to the Board

without my appearance. If the Board accepts the Stipulation and Agreed Order, I understand that I will receive a signed copy.

DATED this 28 day of November, 2014.

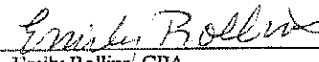
  
W. Daniel Cox III  
Respondent

#### Section 5: Order

The Board accepts and enters this Stipulation and Agreed Order.

DATED this 15 day of December, 2014.

WASHINGTON STATE  
BOARD OF ACCOUNTANCY

  
Emily Rollins, CPA  
Chair

WDC